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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,260

09/22/2003

Kiichiro Ito

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11/01/2006

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,260

Applicant(s)

ITO, KIICHIRO

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,6 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,13 and 16 is/are allowed.
- 6) ☒ Claim(s) 3,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 11, 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,845,749 to Moretz et al. Moretz et al discloses an air damper comprising;

a cylinder (12') formed in a tubular shape defining a guide hole (102) at one end portion thereof; a piston (80), which moves in the cylinder; a helical spring (104) for biasing the piston toward the other end portion of the cylinder; and a string member (106) guided from inside of the cylinder to outside thereof through the guide hole, wherein; the piston and the string member are integrally molded; and the string member has a flat belt shape; the guide hole of the cylinder has a flat opening (Fig. 10) and a smooth arcuate face (94) continuing to a wide width edge of the

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opening; and the string member having the flat belt shape is bent and guided along the arcuate face of the guide hole (106' in Fig. 10).

As to claim 15, the air damper further including a mount (82) integrally molded on the piston for receiving an end portion of the spring.

Allowable Subject Matter

Claims 2, 5, 6, 12, 13 and 16 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

In particular, the prior art made of record fails to disclose or suggest a string member which moves from inside of a cylinder to the outside of the cylinder through a guide hole, where the string member is structured as a string member branching into a plurality of segments and connects with a piston, the segments come together at a forward end part of the string member and the plurality of segments connect with different positions along the piston. None of the prior art references disclose or suggest the structure of the preferred embodiment of applicant's string member having a plurality of segments as set forth above and in applicant's claims above, therefore, the Examiner believes the above claims are structurally distinct from the prior art made of record.

Response to Applicant's Arguments

In response to applicant's remarks on pages 6-8 and to the amendment of the claims presented in the Amendment of August 11, 2006, the Examiner agrees with applicant and respectfully withdraws the rejection of claims 2, 5, 6, 12, 13 and 16 over the applied prior art references. These claims are believed to properly define over the prior art made of record. However, applicant's remark pertaining to claim 3 pertaining to an alternative embodiment of Moretz et al failing to disclose a string member having a flat belt shape and a guide hole of the cylinder has a flat opening; a smooth arcuate face continuing to a wide width edge of the opening and the string member having the belt shape is bend and guided along the arcuate face of the guide hole is not persuasive. First, the Examiner is unaware of any special definition of the term "flat belt shape", in as much, this term is broadly interpreted as the string member 106 of Moretz et al, disclosed as a strand. A strand as interpreted by the Examiner is considered a "flat belt shape". Moreover, Moretz et al discloses a central hole 102 or guide hole which corresponds to the strand, a smooth arcuate face continuing to a wide width edge of the opening and the string member having the belt shape is bent and guided along the arcuate face of the guide hole as broadly interpreted by the Examiner. Even further, although Moretz et al does not specifically say the term "flat belt shape" in describing the string member, it is well known that a change in shape of a prior art device satisfying the structural components is considered a design choice ((change in shape) and may be rendered obvious over the prior art of record, since applicant's invention and Moretz et al string member operate similarly. Thus, for the reasoning above Moretz et al interpreted broadly, meets the limitations set forth in claims 3, 14 and 15 rejected over Moretz et al.

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Accordingly, claims 2, 5, 6, 12, 13 and 16 are allowed over the prior art and claims 3, 14 and 15 remain unpatentable over Moretz et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER